

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ROBIN D. HARTLEY and TRACY
HARTLEY,

Plaintiffs,

v.

BANK OF AMERICA; N.A., CWMBS, INC.;
CHL MORTGAGE PASS-THROUGH
TRUST 2006-8; RESIDENTIAL CREDIT
SOLUTIONS, INC.; DITECH FINANCIAL
LLC; FIRST MAGNUS FINANCIAL
CORPORATION; NORTHWEST TRUSTEE
SERVICES, INC.; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; CORPORATE JOHN
DOES 1-10,

Defendants.

Case No: 16-01640-RSL

**STIPULATED JOINT MOTION FOR
CONTINUANCE OF TRIAL AND
RELATED DEADLINES**

Noting Date: September 20, 2017

I. RELIEF REQUESTED

Plaintiffs Robin and Tracy Hartley, and Defendants Residential Credit Solutions, Inc. (RCS), and Northwest Trustee Services, Inc. (NWTS), through their respective counsel, hereby jointly move the Court to continue the February 5, 2018 trial date in this case and related deadlines for good cause as stated herein.

Defendants Ditech Financial LLC, Mortgage Electronic Registration Systems, Inc., and CWMBS, Inc., CHL Mortgage Pass-Through Trust 2006-8 have no objection to this Motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

II. STATEMENT OF FACTS

On October 19, 2016, Plaintiffs filed this action. Dkt. No. 1.

On November 18, 2016, Defendants RCS and NWTs moved for Fed. R. Civ. P. 12(b)(6) dismissal of certain claims. Dkt. Nos. 15, 16.

On January 25, 2017, the Court ruled on the dismissal motions. Dkt. Nos. 35, 36.

On February 24, 2017, the Court issued a scheduling order based on the parties' Joint Status Report. Dkt. No. 40.

On June 1, 2017, Defendants RCS and NWTs moved for summary judgment, with a noting date of June 23, 2017. Dkt. No. 48. Subsequently, Plaintiffs presented those Defendants with discovery demands. *See* Dkt. No. 54 at 2:24-25.

The current discovery cutoff date is October 8, 2017, with a trial date of February 5, 2018. Dkt. No. 40. Plaintiffs have agreed to extend the discovery response deadline until after such time as the Court rules on the pending summary judgment motion, while Defendants RCS and NWTs have agreed to not proffer their own demands and/or take Plaintiffs' depositions for the same reason.¹

17
18
19
20
21
22
23
24

III. ISSUE PRESENTED

1. Should the Court grant a continuance of the trial date and related deadlines to accommodate the parties' ability to conduct discovery if necessary?²

25
26

IV. EVIDENCE RELIED ON

For this Motion, the parties rely on the aforementioned records and stipulated facts relevant to this case.

//

¹ Defendants Ditech Financial LLC, Mortgage Electronic Registration Systems, Inc., and CWMBs, Inc., CHL Mortgage Pass-Through Trust 2006-8 intend to conduct depositions of the Plaintiffs in early October 2017. Plaintiffs agree that RCS and NWTs can separately depose Plaintiffs later if this Motion is granted.

² Defendants RCS and NWTs believe the question of discovery should be moot given their dispositive motion. Plaintiffs believe a trial is appropriate.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

V. ARGUMENT AND AUTHORITY

Under LCR 16(b)(5), the Court can modify a case schedule upon a showing of good cause. *See also* LCR 40(a) (the Court can also “make such orders as may facilitate the prompt, inexpensive, and just disposition of any action.”).

Should Plaintiff’s case withstand the pending summary judgment motion, the parties wish to complete discovery. The parties estimate that a five-month continuance of the trial date and related deadlines will be sufficient for that purpose.³ The parties request that the Court find good cause exists given the circumstances related to the case’s present status.

VI. CONCLUSION

Based on the foregoing stipulated Motion, the parties seek a trial continuance to July 2018, with discovery completed by late February 2018.

DATED this 20th day of September, 2017.

RCO LEGAL, P.S.

Stipulated by:

/s/ Joshua Schaer

Joshua Schaer, WSBA No. 31491
Attorneys for Defendants Residential Credit
Solutions, Inc. and Northwest Trustee Services,
Inc.

SMITH & JOHNS PLLC

Stipulated by:

/s/ Douglas A. Johns

per e-mail authorization Sept. 18, 2017

Douglas A. Johns, WSBA No. 29424
Christopher M. Edwards, WSBA No. 51389
Attorneys for Plaintiffs

³ Counsel for RCS and NWTS will be unavailable in late August 2018.

1
2 **ALDRIDGE PITE, LLP**

3 No objection by:

4 /s/ Peter J. Salmon

5 per e-mail authorization Sept. 18, 2017

6 Peter J. Salmon, WSBA No. 31382

7 Attorneys for Defendants Ditech Financial LLC,
8 Mortgage Electronic Registration Systems, Inc.,
9 and CWMBS, Inc., CHL Mortgage Pass-
10 Through Trust 2006-8